

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
ABDUL RAHIM HOWARD,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.  
-----x

**MEMORANDUM AND ORDER**

Case No. 10-CV-2775 (FB)

*Appearances:*

*For the Petitioner:*

MITCHELL ALAN GOLUB  
Golub & Golub LLP  
225 Broadway, Suite 1515  
New York, NY 10007

*For the Respondent:*

LORETTA E. LYNCH  
United States Attorney  
Eastern District of New York  
BY: JONATHAN E. GREEN  
Assistant United States Attorney  
271 Cadman Plaza East  
Brooklyn, New York 11201

**BLOCK, Senior District Judge:**

On May 2, 2011, after holding an evidentiary hearing, the Court denied Abdul Rahim Howard's ("Howard") petition to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 ("§ 2255"). Howard now moves the Court to reconsider three aspects of that order. First, he argues that the Court should not have credited his former lawyer's testimony that he explained to Howard about the possible effects of a 5K1 letter from the government. Second, Howard argues that the Court should not have credited his former lawyer's testimony that he explained to Howard the consequence of the government filing a § 851 prior felony information. And third, he argues that the Court should not have denied a certificate of appealability.

After reexamining all Howard's submissions and the hearing transcript, the Court denies Howard's motion for reconsideration for the same reasons it originally denied his § 2255 petition.

**SO ORDERED.**

/Signed by Judge Block/

  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
August 16, 2011